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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/229,589	01/13/1999	LEONID A YEGOSHIN	P3356	5733

24739 7590 05/22/2003

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 05/22/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/229,589

Applicant(s)

YEGOSHIN, LEONID A

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Request for Continued Examination

The request filed on 3/11/2003 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/229,589 is acceptable and a RCE has been established. An action on the RCE follows.

This communication is in response to applicant's 03/11/2003 amendment/responses in the application of YEGOSHIN for "METHOD AND APPARATUS FOR CREATING AND DISTRIBUTING COST TELEPHONY-SWITCHING FUNCTIONALITY WITHIN AN IP NETWORK" filed 01/13/1999. The amendments/response to the claims have been entered. Claims 3, 9, and 15 have been canceled. No claims have been added. Claims 1-2, 4-8, 10-14, 16-17 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 10-14, and 17 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over Guy et al. (US 5,940,479), hereinafter Guy, in view of Rosenberg (US 6,304,567).

Regarding claims 1, 4-5, 7, 10-11, 13-14, and 17, Guy discloses a system and method for transmitting packet across a wide area network (WAN) from a local phone coupled to a computer e.g., PC-phone. The system comprises of:

- at least two PC-phones 103/105 and 143/145 (Internet capable call appliances) located in different location,
- a first router 114 coupled to the PC-phone 103/105,
- a second router 132 coupled to the PC-phone 143/145, and
- a WAN network (Internet or ATM or frame relay) for connecting between the two routers.

The calls setup between the call appliance 103/105 and the router 114 (end node leg), and the call setup between the router 114 and 132 through the Internet 104 (intermediate legs), the call setup between the router 132 and the called appliance 143/145 (end node leg) and are separate and distinct (see figs. 1, 5; and col. 4 line 54 to col. 6 line 35).

Regarding claims 6 and 12, Guy discloses a LAN network 116, connecting end appliances at one or more the routers, and wherein end-node leg are established via LAN to appliances on the LAN 116 (see fig. 1).

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Guy fails to explicitly disclose that the end destination is Internet-capable call appliance; and maintaining call legs one established for future use to the be rejoined to other established call legs.

Guy discloses as an example the end destination is a phone 142 where a file server 122 convert the compressed digital signals in the packet into analog signals and transmit the signals to the phone 142 via the PSTN 140 (see col. 6 lines 9-35). It should be note that the converting of digital signals into analog signals is necessary because the end destination is not Internet-capable call appliance. In figure 1, Guy discloses that the second router 132 coupled to the PC-phone 143/145 via a second LAN 134 (see figure 1 and col. 5 line 60-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to originate a call from the PC-phone 103/105 and designate the call to the PC phone 145/143 in the system taught by Guy thus minimizing the call delay caused by converting compressed digital signals into analog signals.

Rosenberg, on the other hand, maintaining call legs one established for future use to the be rejoined to other established call legs (see col. 3 line 12-38).

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Therefore, it would have been obvious to one having ordinary skilled in the art at the time of invention was made to maintain the connection between the routers after a particular called is completed as taught by Rosenberg and implementing the teaching in the system taught by Guy for proving efficient uses of network resources (i.e. reduce connection time, maximize the bandwidth by multiplexing calls) for voice connections between two locations (i.e. New York and Los Angeles) having high volume long distance calls over a data network i.e. Internet.

Claims 2, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Guy-Rosenberg as applied to claims 1, 7, and 13 above, and further in view of Andrews et al. (US 5,848,143), hereinafter Andrews.

Claims 2, 8, and 16, the combination of Guy-Rosenberg fail to disclose the call appliances include Interactive Voice Response (IVR) units.

Andrews, on the other hand, teaches IVR units are included in agent systems of a communication system that provides telephony communication between agents and a plurality of callers (see figs. 8-10).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time of invention was made to include the IVRs of Andrews in the system taught by

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the combination of Guy-Rosenberg for improving requested information to the caller 24 hours a day without human assistant -thus enhancing customer service while reducing costs.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

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Bob A. Phunkulh

Bob A. Phunkulh

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March 19, 2003